CLAUSE 1

SHRI M. THAMBI DURAI: Sir, I beg to move:

That at page 1, line 3, *for* the figure "1997", the figure "1998" be *substituted.*

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Now, the Enacting Formula. There is one amendment by the hon. Minister.

ENACTING FORMULA

SHRI M. THAMBI DURAI: Sir, I beg to move:

That at page 1, line 1, *for* the word "Forty-eighth", the word "Forty-ninth" be *substituted.*

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI M. THAMBI DURAI: Sir, I beg to move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE ADMINISTRATORS-GENERAL (AMENDMENT) BILL, 1998

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (SHRI M. THAMBI DURAI): Sir, I beg to move:

"That the Bill further to amend the Administrators—General Act, 1963 be taken into consideration."

As the hon. Members are aware, the law relating to appointment of an Administrator-General of every State and his duties is contained in the Administrators-General Act, 1963. Section 29 of the Administrators-General Act, 1963, provides for issue of a certificate to a claimant claiming assets of a deceased otherwise than as a creditor. However, a certificate can be granted by the Administrators-General under this section only in cases where the assets left by the deceased person, excluding any sum of money deposited in a Government Savings Bank or any provident fund to which the Provident Funds Act, 1925, applies, did not, at the date of the death, exceed in value in the whole the monetary limit specified in the section. In the Act, as originally enacted in 1963, the monetary limit specified in the section was only Rs. 5,000. In 1972, as a result of a representation made by the War Widows Association, Chandigarh, on behalf of the widows in general, and war widows in particular, the Act was amended to increase the monetary limit to Rs., 15,000. The monetary limit in the said section was further increased from Rs. 15,000 to Rs. 50,000 in 1983 on account of the escalation in the value of assets since the Act was last amended.

Representations have been received by the Government for raising the monetary limit in section 29 of the Act from Rs. 50,000 to Rs. 2 lakhs on account of considerable decrease in the money value. It has also been suggested that the enhancement of the statutory limit will be in the interest of the poor persons and legal heirs, especially widows, minor children and other dependents of the deceased persons, who will be spared of the long, protracted and expensive remedy in civil courts. It is, therefore, proposed to amend sections 9, 10, 29 and 36 of the Administrators-General Act, 1963, with a view to raising the monetary limit from Rs. 50,000 to Rs. 2 lakhs.

The Department related Parliamentary Standing Committee on Home Affairs in its Forty-eighth Report presented to this

House has also recommended this legislative measure.

As the proposed legislative measure is a positive legislation for the welfare of the poor and needy, I fervently hope that this august House will unanimously support the same. I commend the Bill for the consideration of this august House and I am sure that this Bill will receive support from all quarters.

The question was proposed.

श्री चुन्नी लाल चौधरी (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष मोहदय, मैं इस बिल के समर्थन में खड़ा हुआ हूं। इसका उद्देश्य बहुत ही सीमित हैं, इसमें जो राशि रूपस पचास हजार की थी उसको अब आप दो लाख करना चाहते हैं। मैं आपको बताना चाहता हूं कि मेरे सामने तीन मामले इलाहाबाद हाईकोर्ट में आए जिसमें तीन विधवाओं के दावे थे, एक का इक्यावन हजार का दावा था, दूसरी का बावन हजार का और तीसरी का पचपन हजार का, लेकिन जब यह बात आई कि एक्ट के अनुसार पचास हजार से अधिक नहीं होगा तो वहां से मामला दीवानी कचहरी में दायर किए गए। लगभग दो साल लग गए और तब जाकर के उनको सक्सेसन सर्टिफिकेट दीवानी कचहरी से मिला। इसमें धन भी बहुत अधिक खर्च हुआ। इसलिए मैं इस बात को अच्छा मानता हूं कि विधवाओं नाबालिग उत्तराधिकारियों और गरीब लोगों के, जिनके दावे पचास हजार से अधिक के होते थे, वह दीवानी कचहरी में जाकर वर्षो से केस लड़ते थे, अब इस संशोधन से दो लाख तक के उनके दावे आसानी से निपट आएंगे और इससे दीवानी अदालत के खर्च और वहां की दौड़-धूप से इनको निजात मिलेगी।

उपसभाध्यक्ष महोदय, यह एक बहुत अच्छा संशोधन हैं। आज मनी वेल्यू में इतनी गिरावट आई हैं, जिसके कारण भी यह आवश्यक हो गया था कि इस सीमा को बढ़ाया जाना चाहिए। मैं एक बात जरूर यहां सुझाव के तौर पर रखना चाहूंगा अपनी बात खतम करने से पहले, कि एडमिनिस्ट्रेटर जनरल के यहां जो दावा होता हैं, मेरी जानकारी के मुताबिक, वहां दो या ढाई प्रतिशत कोर्ट फीस लगती हैं और यह फीस उस मृतक के आश्रित या उत्तराधिकारी के लिए, जिसको यह न्याय मिलने वाला हैं, उसके लिए यह कोर्ट फीस का अंश जो हैं वह बहुत ज्यादा हैं। हालांकि यह इस संशोधन में इसका ताल्लुक नहीं हैं, यह स्टैम्प ड्यूटी में आएगा, लेकिन मैं चाहूंगा कि इस पर भी आप विचार करें ताकि जो मृतक के उत्तराधिकारी हैं, जिनको इसका लाभ होने वाला है, उनको ज्यादा लाभ मिल सके और उन पर ज्यादा बोझ न पड़े। मेरा यह एक सुझाव माननीय मंत्री जी से हैं। बहुत बहुत धन्यवाद

SHRI BRATIN SENGUPTA (West I Bengal): Mr. Vice-Chairman, Sir, so far as the devaluation of the money is concerned, the purpose and the motive of the Bill is welcome. In 1925 the monetary limit was set at Rs. 5,000. Quite naturally, it can be raised to Rs. 2 lakhs. So far as raising the monetary limit is concerned, I am not opposed to the Bill. The problem that the previous speaker has referred to might occur in this case as well. There can be a particular case where a property of Rs. 2,01,000 or Rs. 2,02,000 cannot be dispensed with simply because of the fact that the monetary limit is set at Rs. 2 lakhs. That is not the main issue.

While concurring with the motive of the hon. Minister, I would like to submit that some record should be kept at the office of the Administrator-General and the record of this succession and the record of handing over of assets should be open to any question or scrutiny at any future point of time. Such a mechanism should be evolved. How it should be done, it depends upon the Minister to find it out. I have not moved any amendment to the Bill. My only submission is that a mechanism should be found out , whereby all the records of transfer of assets, whether Rs. 5,000 or Rs. 2 lakhs, are subject to a scrutiny by an administra-tive machinery at any point of time. Thank you.

SHRI R.K. KUMAR (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to support the Bill which seeks to enhance the monetary limit in respect of Sections 9, 10, 29 and 36. The other day, the hon. Finance Minister while introducing the High Denomination Bank Notes Bill said that the value of Rs. 1000 in 1970s, presently comes to Rs. 160. The monet-

ary limit has been increased from Rs. 5,000 to Rs. 2 lakhs. I feel that Rs. 2 lakhs is also a very small amount. As the value of money is going down, the monetary limit should be increased to Rs. 5 lakhs.

With this submission, I support this Bill. Thank you.

SHRI M. THAMBI DURAI: Hon. Members have suggested that the limit should be increased from Rs. 50,000 to Rs. 5 lakhs. But, actually, Sir, we have proposed Rs. 2 lakhs. When it is required to be increased, we can consider it. It is not a very static point. Hon. Members have also raised a point about stamp duty. Only the State Government can do this. It is up to them, therefore, it is a simple thing. It is only going to help the poor people. Therefore, I request this House to pass the Bill.

SHRI H. HANUMANTHAPPA (Karnataka): Mr. minister, actually Mr. Chun-ni Lal suggested that it should not be a burden for the successor before drawing....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): He has stated that. It is a State subject.

SHRI H. HANUMANTHAPPA: I know that. A methodology can be found out. After receiving this money, that can be deducted out of that money. The man is after all a successor. He is not having anything to fall back upon. He is dependent on that. Added to that, if he has to pay stamp duty, before taking the money, before disposal, it would be difficult. After dispersal or while disposal, stamp duty can be deducted, that suggestion can be taken note of.

SHRI M. THAMBI DURAI: This can be taken note of by the State Government. We can pass it on to them.

SHRI H. HANUMANTHAPPA: If you assure us on this, while passing this Bill, at least, they will take note of it.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): The question is:

"That the Administrators-General (Amendment) Bill, 1998 be passed."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI M. THAMBAI DURAI: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Now, we will take up the merchant Shipping (Second Amendment) Bill, 1998.

THE MERCHANT SHIPPING (SECOND AMENDMENT) BILL, 1998

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (SHRI M. THAMBI DURAI): Sir, I beg to move:

"That the Bill further to amend the Merchant Shipping Act, 1958 be taken into consideration."

Sir, with your permission, I would like to invite kind attention of Hon'ble Members of this August House that during the last Budget session of Parliament the Merchant Shipping (Second Amendment) Bill, 1998 was introduced in Rajya Sabha on 4th August, 1998 to amend sections 76 and 95 of the Merchant Shipping Act, 1958.

The Bill was referred to the Department Related Parliamentary Standing Committee on Transport and Tourism. I would like to give a brief background before highlighting the recomendation of the Committee and before moving the